IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

WP(C).No. 800 of 2007(T)

PETITIONER:

1. SALY WILSON,W/O.LATE WILSON,
   KATTU VEETTIL, PERUMBAYIKKADU, KOTTAYAM.

2. ANEESH KATTU VEETIL,
   S/O.LATE WILSON, KATTU VEETTIL,
   PERUMBAYIKKADU, KOTTAYAM.

BY ADV. SRI.VPK.PANICKER

RESPONDENTS:

1. THE DISTRICT COLLECTOR, COLLECTORATE P.O
   KOTTAYAM DISTRICT.

2. THE TAHSILDAR, KOTTAYAM.

3. THE VILLAGE OFFICER,
   PERUMBAYIKKADU VILLAGE OFFICE, PERUMBAYIKKADU,
   KOTTAYAM DISTRICT.

4. THE GEOLOGIST, MINING AND GEOLOGY
   DISTRICT OFFICE, COLLECTORATE P.O.,
   KOTTAYAM-2, KOTTAYAM DISTRICT.

BY GOVERNMENT PLEADER SHRI.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.800 of 2007

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Dated this the 4th day of April, 2007

J U D G M E N T

Heard the learned counsel for the petitioner as also the learned Government Pleader.

2. Petitioner's complaint in this writ petition is that his application of issue of possession certificate, a sketch and plan of his property in survey No.302/12-1 has been rejected on the ground that for obtaining quarrying permit possession certificate, sketch and plan cannot be issued. By Ext.P4 judgment I have held that the Village Officer cannot refuse to issue possession certificate on that ground. An owner of a land has a right to get possession certificate in respect his property. It cannot be denied on the ground that he would use it for applying for permit under the Kerala Minor Mineral Concession Rules. The question as to whether a party is entitled to

such a permit is to be decided by the appropriate authority to issue permit. The right of the petitioner to apply for permit cannot be foreclosed by refusing to issue a possession certificate itself. In the above circumstances, I direct the third respondent to issue a possession certificate and a site plan to the petitioner for which he has applied for, within two weeks from the date of receipt of a copy of this judgment. I further direct the Village Officer not to make any endorsement in the possession certificate which would render the certificate invalid for the purpose of applying for permit under the Kerala Minor Mineral Concession Rules.

Writ petition is disposed of as above.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.